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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,889	02/21/2001	Earl R. Owen	12724-002001	6045

7590

01/11/2005

Fish & Richardson  
Suite 500  
4350 La Jolla Village Drive  
San Diego, CA 92122

EXAMINER
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CHISM, BILLY D

ART UNIT	PAPER NUMBER
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1654

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09/719,889	02/21/2001	OWEN <i>et al.</i>	57712-20001.10/12724- 002001/30347USP00

**EXAMINER**

B. DELL CHISM

**ART UNIT****PAPER**

1654

20050110

**DATE MAILED:**

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

1. The timely submission under 37 CFR 1.129(a) filed on 27 October 2004 is not fully responsive to the prior Office action because the filed amendment to the claims is to a set of claims that does not correspond to those claims filed 18 March 2004; however, it appears as if Applicants filed amendments to claims set that was filed 15 September 2003, prior to the filing of the request for continued examination on 18 March 2004. Thus, an appropriate response to the outstanding office action would be based on the claim set as filed on 18 March 2004. Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.

B. Dell Chism  
**PATENT EXAMINER**

